Single Bench

(4) CF-7002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION(S) NO. 4578 /2006

PETITIONER

1. Krishna Murari Jaiswal,
S/O. Shri Jagdeo Prasad Jaiswal,
aged about - 38 years.
Upper Division Teacher,
Govt. Girls Higher Secondary
School, Katghora,
Distt. Korba (C.G.)

2. Smt. Chandrawati Markam,
W/O. Shri Munna Lal Markam,
aged about - 40 years.
Upper Division Teacher,
Govt. Primary School Dhelwadih.
Distt. Korba (C.G.)

3. Satyanarayan Kaushik
S/O. Shri Cheduram Kaushik
aged about - 40 years.
Upper Division Teacher,
Govt. Girls High School Pali,
Distt. Korba (C.G.)

4. Amlan Akka,
S/O. Shri Theodor Akka,
aged about - 35 years.
Upper Division Teacher,
Govt. Primary School Batra, (Pali)
Distt. Korba (C.G.)

5. Ku. Pramila Pal,
W/O. Shri Anant Lal Pal,
aged about - 35 years.
Upper Division Teacher,
Govt. Higher Secondary School Sakri
Distt. Bilaspur C.G.)

P.R. No. 46127/06
Presented by Shri Anil Singh
dated 24/8/06

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24.8.06

(2) (5)

6. Jaishanker Prasad Sahu,
S/O. Shri Bhagwat Prasad Sahu,
aged about - 37 years.
Upper Division Teacher,
Govt. Higher Secondary School
Jamnipali N.T.P.C. Korba,
Distt. Korba (C.G.)

7. Vinod Kumar Sahu,
S/O. Shri Govind Ram Sahu,
aged about - 37 years.
Upper Division Teacher,
Govt. Higher Secondary School
Jamnipali N.T.P.C. Korba,
Distt. Korba (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through - The Secretary,
Department of Education,
D.K.S. Bhawan,
Raipur (C.G.)

2. Commissioner,
Tribal Welfare Department,
Raipur (C.G.)

3. Director,
Public Instruction Department,
Raipur (C.G.)

4. Joint Director,
Public Instruction Depatment.
Bilaspur Division,
Bilaspur (C.G.)

5. Collector,
Tribal Welfare,
Korba (C.G.)

(3) (6)

6. District Education Officer,
District Korba (C.G.)

7. District Education Officer,
District : Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(75)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4578/... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-8-2006

Mr. Anil Singh Rajput, counsel for the petitioners.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioners have sought for a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the State Administrative Tribunal, Jabalpur in O.A.No.1452/1998 (Harish Chandra Singh & others vs. State of M.P. & others) dated 31-1-2000.

The case of the petitioners is that they were initially appointed as Upper Division Teachers in the School Education Department on probation for a period of two years with fixed salary. However, later on after completion of two years tenure the petitioners were regularized but they are not being given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein the learned Tribunal vide order dated 31-1-2000 allowed the same. The petitioners made several representations to accord same treatment as they are also similarly situated Teachers, but the respondents have not paid any heed, therefore, they are forced to file this writ petition.

Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.3 to give similar treatment to the petitioners and the same pay scale which has been sanctioned to other

P.T.O.

XI-HC-78

(76)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4578/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel appearing for the State/ respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the limited prayer made by learned counsel for the petitioners appears to be just, fair and reasonable. Therefore, the petitioners are allowed to make a representation to respondent No.3 within a period of two weeks from today raising all their grievances and in turn, respondent No.3 shall decide the same in an objective manner within a period of 30 days from the date of its receipt, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in O.A.No.1452/1998, and if the present petitioners stand on the same footing as the petitioners in O.A. No.1452/1998, then they be also sanctioned the same pay scale and seniority.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

P.T.O.